

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Malachi I. Yahtues

v.

Old Colony Correctional Center,
Superintendent
other
Stephen A. Kennedy

Case No. 21-cv-533-SE-AJ

ORDER

No objection having been filed, I herewith approve the Report and Recommendation of Magistrate Judge Andrea K. Johnstone dated February 28, 2025. For the reasons explained therein, Mr. Yahtues's motion for certificate of appealability (Doc. No. 33) is denied without prejudice. "[O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal).



Samantha D. Elliott
United States District Judge

Date: March 27, 2025

cc: Malachi I. Yahtues, pro se
Counsel of Record